

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 03-2802

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UNITED STATES OF AMERICA

v.

AARON GEDDES

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. No. 02-cr-00705)  
District Judge: The Honorable Mary L. Cooper

On Remand from the United States Supreme Court  
(S.Ct. No. 04-6264)

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Before: SLOVITER and FUENTES, Circuit Judges, and POLLAK, District Judge

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ORDER

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Appellant's petition for panel rehearing is granted. The Court's Order of April 6, 2005 is hereby vacated.

Appellant was convicted of possession of a weapon by a convicted felon in violation of 18 U.S.C. §922(g)(1). He was sentenced to a term of imprisonment of 110 months. We affirmed the conviction and sentence by opinion filed June 2, 2004.

Appellant petitioned the United State Supreme Court for a writ of certiorari which was

granted by order entered January 24, 2005. The Court vacated the judgment of this Court and remanded for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_, 125 S.Ct. 738 (2005).

Upon further consideration, we reaffirm our prior decision with respect to the judgment of conviction. Appellant has requested that we remand the matter to the District Court for resentencing in light of *Booker*. We have determined that the sentencing issues Appellant raises are best determined by the District Court in the first instance. Accordingly, we will vacate the judgment of sentence and remand for reconsideration and, if that Court deems it appropriate, for resentencing in accordance with *Booker*.

BY THE COURT:

/s/ Julio M. Fuentes  
Circuit Judge

Dated: June 2, 2005

ARL/cc: JSF; GSL; DBL; RS